



Entered on Docket  
August 28, 2009

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa  
United States Bankruptcy Judge

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*Attorney for Debtor*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:  
NOVEMBER 2005 LAND INVESTORS, LLC,  
  
Debtor.

Case No. BK-S-09-17474-MKN  
Chapter 11

**ORDER APPROVING DISCLOSURE  
STATEMENT, FIXING TIME FOR  
FILING ACCEPTANCES OR  
REJECTIONS OF PLAN, AND FIXING  
TIME FOR FILING OBJECTIONS TO  
THE DISCLOSURE STATEMENT AND  
TO THE CONFIRMATION OF THE  
PLAN, COMBINED WITH NOTICE  
THEREOF AND OF THE HEARING ON  
FINAL APPROVAL OF THE  
DISCLOSURE STATEMENT AND THE  
HEARING ON CONFIRMATION OF THE  
PLAN**

Date of Hearing: August 19, 2009  
Time of Hearing: 9:30 a.m.

1 A Disclosure Statement to Accompany Debtor's Plan of Reorganization, having been  
 2 filed on July 17, 2009 (the "Disclosure Statement") [Dkt. No. 127], under chapter 11 of Title 11  
 3 of the United States Code (the "Bankruptcy Code"), by November 2005 Land Investors, LLC  
 4 (the "Debtor"), as debtor and debtor-in-possession in the above-captioned bankruptcy case and  
 5 proponents of the Debtor's Plan of Reorganization; and

6 It having been determined that the Disclosure Statement, together with modifications  
 7 announced in open court at the hearing held, after sufficient notice, on August 19, 2009 at 9:30  
 8 a.m., contains "adequate information" within the meaning of Bankruptcy Code Section  
 9 1125(a)(1);

10 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED**, and notice is hereby  
 11 given, that:

12 A. The Disclosure Statement filed by Debtor and proponents of the Debtor's Chapter  
 13 11 Plan of Reorganization, dated July 17, 2009 [Dkt. No. 127], as modified pursuant to the  
 14 modifications proposed in open court and as ordered by the Court, on August 19, 2009 at 9:30  
 15 a.m., is approved.

16 B. The form of ballots (the "Ballots"), attached hereto as Exhibit 1 of the Debtor's  
 17 Motion for Order Approving Disclosure Statement, Approving, Fixing Time for Filing  
 18 Acceptances or Rejections of the Plan, and Fixing the Time for Filing Objections to the  
 19 Disclosure Statement and to the Confirmation of the Plan, Combined with Notice Thereof and of  
 20 the Hearing on Final Approval of the Disclosure Statement and the Hearing on Confirmation of  
 21 the Plan (the "Motion") sent to those classes of claims entitled to vote on the Plan (the "Voting  
 22 Classes")<sup>1</sup> to solicit their acceptance or rejection of the Plan, is approved.

23 C. On or before August 28, 2009, the Plan, Disclosure Statement, Order  
 24 Conditionally Approving Disclosure Statement, Fixing Time for Filing Acceptances or  
 25 Rejections of the Plan, and Fixing the Time for Filing Objections to the Disclosure Statement  
 26 and to the Confirmation of the Plan, Combined with Notice Thereof and of the Hearing on Final

27 <sup>1</sup> The Voting Classes consist of those Classes that are impaired under the Plan and that will receive or  
 28 retain property under the Plan. The Voting Classes under the Plan are Classes 1, 2, 3, 4 and 5.

Approval of the Disclosure Statement and the Hearing on Confirmation of the Plan (the "Confirmation Notice"), and Ballots (collectively, the "Solicitation Materials:"), shall be mailed to the creditors, equity interest holders, and other parties in interest, and shall be submitted to the United States Trustee, as provided in Fed. R. Bankr. P. 3017(d), as follows:

Creditor/Party-In-Interest	Solicitation Materials.
All Parties in Official Creditor Matrix	Confirmation Notice
Persons Who Have Requested Special Notice	Plan, Disclosure Statement, & Confirmation Notice
Unclassified Claims (Administrative Expense Claims)	Plan, Disclosure Statement, & Confirmation Notice
Class 1: Prepetition Secured Tax Claims (Impaired)	Plan, Disclosure Statement, Confirmation Notice & Ballot
Class 2: First Lien Lenders Secured Claims (Impaired)	Plan, Disclosure Statement, Confirmation Notice & Ballot
Class 3: Second Lien Lenders Secured Claims (Impaired)	Plan, Disclosure Statement, Confirmation Notice & Ballot
Class 4: General Unsecured Convenience Claims (Impaired)	Plan, Disclosure Statement, Confirmation Notice & Ballot
Class 5: General Unsecured Claims (Impaired)	Plan, Disclosure Statement, Confirmation Notice & Ballot

D. Dates and deadlines related to confirmation of the Plan are as follows:

1. October 1, 2009 at 10:00 a.m. and October 2, 2009 at 9:30 a.m. Pacific Time is the date and time fixed for the hearing on confirmation of the Plan (the "Confirmation Hearing");

2. September 21, 2009 is fixed as the last day fixed for submitting Ballots accepting or rejecting the Plan;

...

1           3.     September , 15, 2009 is fixed as the last day for filing and serving, as set  
2     forth below, written objections (including any memoranda, declarations and evidence in  
3     support thereof) to confirmation of the Plan, pursuant to Fed. R. Bankr. P. 3020(b)(1);  
4     and

5           4.     September 23, 2009 is fixed as the last day for Debtor to file its  
6     memoranda in support of the Plan, including any response to objections to confirmation,  
7     any evidentiary declarations in support of confirmation, and the ballot tabulation  
8     analysis.

9     E.     The method for tabulating votes accepting or rejecting the Plan, in accordance  
10    with the Bankruptcy Code and the Bankruptcy Rules, shall be as follows:

11           1.     The amount of a claim (the "Claim") for voting purposes will be the  
12     amount listed in the Debtor's bankruptcy schedules (the "Schedules"), if such Claim is  
13     listed as not contingent, not unliquidated, and not disputed (the "Scheduled Amount")  
14     and for which there is no Liquidated Amount (as defined below), unless a proof of claim  
15     ("Proof of Claim") in a specified liquidated amount has been timely filed and is neither  
16     the subject of an objection to claim ("Objection to Claim"), filed before the Confirmation  
17     Hearing, nor been disallowed prior to the Confirmation Hearing, whereupon the amount  
18     of the Claim for voting purposes shall be such specified liquidated amount (the  
19     "Liquidated Amount"), unless an amount has been temporarily allowed by order of the  
20     Court for voting purposes, after notice and a hearing in accordance with Bankruptcy Rule  
21     3018(a), in which event the Claim will be counted in such amount (the "Temporary  
22     Amount"). In the event a Proof of Claim is filed for an unliquidated, unknown, or  
23     unstated amount, and there is no Scheduled Amount, then subsection (4.) below shall  
24     govern the amount of the Claim for voting purposes.

25           2.     If a creditor submits a Ballot that asserts a Claim amount that is different  
26     from the Scheduled Amount, the Liquidated Amount, or, if applicable, the Temporary  
27     Amount, then the amount of such Claim, for voting purposes, shall be: (i) the Scheduled  
28     Amount, if there is no Liquidated Amount; (ii) the Liquidated Amount, if there is a

1 Liquidated Amount; or (iii) if applicable, the Temporary Amount, regardless of the  
2 Liquidated Amount or the Scheduled Amount.

3 3. If a creditor submits a Ballot for a Claim for which there is no Proof of  
4 Claim filed, or the amount of the Proof of Claim is not a specified Liquidated Amount, or  
5 which is not listed on the Schedules or is listed thereon as contingent, unliquidated, or  
6 disputed, then the Ballot will not be counted unless otherwise ordered by the Court.

7 4. A Ballot cast by a creditor who has filed a Proof of Claim in an  
8 unliquidated, unknown, or unstated amount, that is not the subject of an Objection to  
9 Claim and for which there is no Scheduled Amount, will be counted for satisfying the  
10 numerosity requirement of Bankruptcy Code section 1126(c), but will not be counted  
11 toward satisfying the aggregate amount provisions of that section.

12 5. If a creditor has Claims in more than one Class, such creditor must submit  
13 a separate Ballot for voting its Claim in each separate Class. If a creditor requires  
14 additional copies of the Ballot, such creditor may either photocopy the original Ballot, or  
15 obtain additional Ballots pursuant to the instructions set forth in the Confirmation Notice  
16 and the Ballot. If a creditor uses one Ballot to vote claims in more than one Class, such  
17 Ballot will not be counted.

18 6. If a member of a Voting Class casts more than one Ballot voting the same  
19 Claim before the last day for submitting Ballots, the last Ballot received prior to the  
20 deadline for submitting Ballots shall supersede any prior Ballot(s).

21 7. Any vote cast by a member of a Voting Class, pursuant to a Ballot that is  
22 incomplete or is not timely received by Debtor's counsel, shall not be counted.

23 F. Richard F. Holley, Esq. (the "Ballot Tabulator"), of the law firm Santoro, Driggs,  
24 Walch, Kearny, Holley & Thompson, Debtor's reorganization counsel, is designated to receive  
25 and tabulate the Ballots for the Plan and to prepare the Ballot tabulation analysis. The Ballot  
26 Tabulator's contact information is as follows:

27 . . .

28 . . .

Richard F. Holley, Esq. (NV Bar No. 3077)  
SANTORO, DRIGGS, WALCH,  
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Telephone: (702) 791-0308  
Facsimile: (702) 79-1912  
Email: [rholley@nevadafirm.com](mailto:rholley@nevadafirm.com)

G. All pleadings, documents, exhibits and evidence filed in support of, or in opposition to, confirmation of the Plan (collectively, the "Confirmation Pleadings"), shall be governed by the following procedures related to service and the admissibility of evidence that may be presented at the Confirmation Hearing:

1. Confirmation Pleadings must be served upon counsel for the Debtor, Debtor's Financial Advisor Valtus Capital Group, LLC, and the Office of the United States Trustee, at the addresses set forth below:

Richard F. Holley, Esq. (NV Bar No. 3077)  
Ogonna M. Atamoh, Esq. (NV Bar No. 7589)  
SANTORO, DRIGGS, WALCH,  
KEARNEY, HOLLEY & THOMPSON  
400 South Fourth Street, Third Floor  
Las Vegas, Nevada 89101  
Telephone: (702) 791-0308  
Facsimile: (702) 79-1912

Valtus Capital Group, LLC  
Attn: John S. Gilchrist  
3800 Howard Hughes Parkway  
7<sup>th</sup> Floor  
Las Vegas, Nevada 89169  
Telephone: (702) 216-2600

Office of the United States Trustee  
Foley Federal Building  
300 Las Vegas Boulevard South  
Las Vegas, Nevada 89101  
Telephone: (702) 388-6600  
Facsimile: (702) 388-6658

2. All declarants (except for declarants making declarations of service) or affiants must appear, and be available, without need for subpoena, for cross-examination at the Confirmation Hearing. The testimony of any declarant or affiant who does not present himself or herself for cross-examination at the Confirmation Hearing will be

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stricken from the record and will not be considered in determining contested issues at the Confirmation Hearing, unless such party's appearance has been excused by order of the Court.

**IT IS SO ORDERED.**

APPROVED / DISAPPROVED

Dated this 26th day of August, 2009.  
QUARLES & BRADY LLP

/s/ Susan G. Boswell, Esq.  
Susan G. Boswell, Esq. NV Bar No. 4539  
One South Church Avenue  
Suite 1700  
Tucson, AZ 85701-1621  
*Counsel for Summerset Development Services LLC; NLV Holding, L.L.C., Standard Pacific of Las Vegas, Inc. AWH North, L.L.C. and Olympia NLV Associates, L.L.C., NLV 2009 Investors, L.L.C., AWH North NLV 2009, L.L.C., SPIC NLV 2009, Inc., and Olympia 2009 NLV Investors, L.L.C.*

APPROVED / DISAPPROVED

Dated this 27th day of August, 2009.  
HUSCH BLACKWELL SANDERS LLP

/s/ Marshall C. Turner, Esq.  
Marshall C. Turner, Esq.  
190 Carondelet Plaza, Suite 600  
Clayton, Missouri 63105  
*Attorneys for Ad Hoc Committee of Certain Secured Creditors of November 2005 Land Investors, LLC*

APPROVED / DISAPPROVED

Dated this 27th day of August, 2009.  
BINGHAM MCCUTCHEN LLP

/s/ William F. Govier, Esq.  
William F. Govier, Esq.  
355 South Grand Avenue, Suite 4400  
Los Angeles, CA 90071  
*Attorneys for SOLA Ltd.*

APPROVED / DISAPPROVED

Dated this 26th day of August, 2009.  
CADWALADER, WICKERSHAM & TAFT LLP

/s/ Andrew M. Troop, Esq.  
Andrew M. Troop, Esq. (*pro hac vice pending*)  
One World Financial Center  
New York, New York 10281  
*Attorneys for Credit Suisse, Cayman Islands Branch, as secured creditor and Administrative Agent and Collateral Agent for First Lien Lenders*

APPROVED / DISAPPROVED

Dated this 26th day of August, 2009.  
MCDONALD CARANO WILSON LLP

/s/ Kaaran E. Thomas, Esq.  
Kaaran E. Thomas, Esq. (NV Bar No. 7193)  
100 West Liberty Street, 10<sup>th</sup> Floor  
Reno, NV 89505-1670  
*Attorneys For DRHI, Inc.*

APPROVED / DISAPPROVED

Dated this 26th day of August, 2009.  
ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Jeffery D. Hermann, Esq.  
Jeffery D. Hermann, Esq.  
777 South Figueroa Street  
Los Angeles, CA 90017  
*Attorneys For Wilmington Trust FSB, as Administrative Agent and Collateral Agent for the Second Lien Lenders*

SANTORO, DRIGGS, WALCH,  
KEARNEY, HOLLEY & THOMPSON

SDW



1 REVIEWED

APPROVED / DISAPPROVED

2 Dated this \_\_\_\_ day of August, 2009.  
3 UNITED STATES TRUSTEE

Dated this 26th day of August, 2009.  
SCHWARTZER & MCPHERSON LAW  
FIRM

4 \_\_\_\_\_  
5 August B. Landis, Esq.  
6 300 Las Vegas Blvd. South, #4300  
7 Las Vegas, Nevada 89101

\_\_\_\_\_  
/s/ Lenard E. Schwartzer, Esq.  
Lenard E. Schwartzer, Esq.  
2850 South Jones Boulevard., Suite 1  
Las Vegas, NV 89146  
*Attorneys For City of North Las Vegas*

8 Prepared and submitted by:

9  
10 **SANTORO, DRIGGS, WALCH,**  
11 **KEARNEY, HOLLEY & THOMPSON**

12 \_\_\_\_\_  
13 Richard F. Holley, Esq. (NV Bar No. 3077)  
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15 Ogonna M. Atamoh, Esq. (NV Bar No. 7589)  
16 Email: [oatamoh@nevadafirm.com](mailto:oatamoh@nevadafirm.com)  
17 400 South Fourth Street, Third Floor  
18 Las Vegas, Nevada 89101  
19 *Attorneys for Debtor*

SANTORO, DRIGGS, WALCH,  
KEARNEY, HOLLEY & THOMPSON

SDW




1 REVIEWED + APPROVED

APPROVED / DISAPPROVED

2 Dated this 26<sup>th</sup> day of August, 2009.  
3 UNITED STATES TRUSTEE

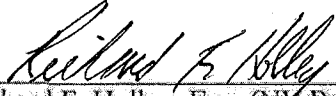
Dated this \_\_\_\_ day of August, 2009.  
SCHWARTZER & MCPHERSON LAW  
FIRM

4   
5 August B. Landis, Esq.  
6 300 Las Vegas Blvd. South, #4300  
7 Las Vegas, Nevada 89101

Lenard E. Schwartzer  
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*Attorneys For City of North Las Vegas*

8 Prepared and submitted by:

9 **SANTORO, DRIGGS, WALCH,  
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12 Richard F. Holley, Esq. (NV Bar No. 3077)  
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16 400 South Fourth Street, Third Floor  
17 Las Vegas, Nevada 89101  
18 *Attorneys for Debtor*

SANTORO, DRIGGS, WALCH,  
KEARNEY, HOLLEY & THOMPSON

SDW

**RULE 9021 CERTIFICATE**

In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

- ☐ The Court has waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below:

Susan G. Boswell, Esq. - Approved

Andrew M. Troop, Esq. - Approved

Marshall C. Turner, Esq. - Approved

Kaaran E. Thomas, Esq. - Approved

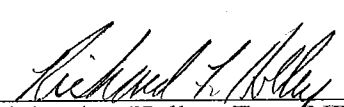
William F. Govier, Esq. - Approved

Jeffery D. Hermann, Esq. - Approved

Lenard E. Schwartz, Esq. - Approved

August B. Landis, US Trustee - Approved

SANTORO, DRIGGS, WALCH,  
KEARNEY, HOLLEY & THOMPSON

  
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